

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1-10 are pending in the present application. Claims 1-9 have been amended to address the formal matters raised by the Examiner. Claim 10 has been added to vary the scope of the claimed invention. Support for new claim 10 may be found in original claim 1 and in the present specification at page 3, lines 1-25.

In the outstanding Official Action, claims 8 and 9 were rejected under 35 USC §101 for allegedly being directed to non-statutory subject matter. Applicants believe the present amendment obviates this rejection.

Claims 8 and 9 have been amended to recite a method for determining the resolution of an enantiomeric mixture of a chiral carboxylic acid. Claims 8 and 9 are no longer directed to the "use" of an orthoester of formula $R^1-C(OR^2)_3$. As a result, applicants believe that claims 8 and 9 satisfy the requirements of 35 USC §101.

Claims 1-9 were rejected under 35 USC §112, second paragraph, for allegedly being indefinite for failing to particularly point and distinctly claim the subject matter which applicants regard as the invention. This rejection is respectfully traversed.

In imposing the rejection, the Official Action stated that the phrase "characterized in that an orthoester...is used as the esterification reactive". However, claim 1 has been amended so that this term is no longer recited in the claims. As a result, applicants believe that claim 1 is definite to one of ordinary skill in the art.

Claim 4 was rejected for reciting the term "preferably". Claim 4 has also been amended so that this term is no longer recited. As a result, applicants believe that claim 4 is definite to one skilled in the art.

In view of the present amendment and the foregoing remarks, therefore, applicants believe that the present application is in condition for allowance, with claims 1-10, as presented. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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